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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,271	09/30/2002	Akira Ohmura	106121.06	5681

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EXAMINER	
HERNANDEZ, NELSON D	
ART UNIT	**PAPER NUMBER**
2622	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/24/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/065,271	OHMURA ET AL.	
	Examiner	Art Unit	
	Nelson D. Hernandez	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 November 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8 and 14-23* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8 and 14-23* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02 November 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings were received on November 2, 2006. These drawings are acceptable.

Specification

2. The Examiner acknowledges the new title filed on November 2, 2006. The new title is acceptable.

Response to Arguments

3. Applicant's arguments (see pages 4-5), filed November 2, 2006, with respect to the rejection(s) of claim(s) 1, 5, 22 and 23 under 35 USC § 103 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of newly found prior art.

4. In the previous Office Action, claims 14 and 16 were rejected taking Official Notice. Because the Applicant failed to traverse the Examiner's assertion of Official Notice, the well known in the art statement is taken to be admitted prior art. See MPEP § 2144.03 [R-1] (C).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-5 and 14-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, US Patent 6,721,001 B1 in view of Tamura, JP 9-37125 and further in view of Matsumoto, US Patent 6,833,861 B2.

Regarding claim 1, Berstis discloses a digital image storage system (Fig. 1) comprising: a digital camera (Fig. 1: 102) having a memory (Fig. 2: 214) capable of storing digital images; a docking station (Fig. 1: 106) on which the digital camera can be placed for use in transmitting one or more of the digital images from the memory of the digital camera; a data storage (by teaching that the images are transmitted to a server or a computer system, Berstis inherently discloses a data storage having a storage medium for storing the digital images since a storage medium; col. 2, lines 40-46; col. 4, lines 53-63) separate from the docking station and having a storage medium that stores the digital images that have been transmitted from the memory of the digital camera through the docking station; and a controller (Fig. 2: 208) in communication with the data storage and the digital camera while the digital camera is placed on the docking station in order to transfer the digital images from the memory of the digital camera to the data storage (Col. 1, lines 45-50; col. 2, line 15 – col. 3, line 8; col. 4, lines 29-63).

Berstis does not explicitly disclose that the controller causes the digital images stored in the memory of the digital camera to be deleted from the memory after being successfully transmitted from the memory.

However, Tamura teaches a camera (Figs. 1 and 3), wherein said camera comprises a controller (Fig. 3: 12) for determining whether the image files will be automatically erased or not after completely transferring said image files, so after transferring the images, said image files in the memory of the camera would be deleted (See translation, page 7, ¶ 0010; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶ 0017; page 11, ¶ 0019 – page 13, ¶ 0024). Deleting the digital images in the memory after being completely transferred is advantageous because it would help freeing space from the memory, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized.

Therefore, taking the combined teaching of Berstis in view of Tamura as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis by having the controller causing the digital images stored in the memory of the digital camera to be deleted from the memory after being successfully transmitted from the memory. The motivation to do so would have been to improve the functionality of the digital image storage system because it would help freeing space from the memory, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized as suggested by Tamura (See translation, page 13, ¶0025).

The combined teaching of Berstis in view of Tamura fails to teach deleting the image after being completely stored in the storage medium.

However, Matsumoto teaches a system for transferring image data from a camera (Fig. 1: 9) to a printing system (Fig. 1; 10) wherein said digital camera after transferring image data from its memory (Fig. 1: 17) to the printer or to a reception equipment (Fig. 5: 60), which stores the image data in a buffer memory (Fig. 5: 62), said printer or reception equipment send an acknowledgement signal that the image data has been received and upon said acknowledgement signal receipt by the camera, said camera deletes the image data being transferred and stored in the printers memory or the reception equipments memory (Col. 3, lines 49-58; col. 4, lines 32-47; col. 5, line 43 – col. 6, line 67).

Although the camera in Matsumoto is transmitting the image data to a printer or a reception equipment, it would have been obvious to one of ordinary skill in the art to apply the concept of deleting the image data from a camera after being transmitted to the memory of an external device to modify Berstis and Tamura by having the camera deleting the image data after being transmitted and stored in the storage medium. The motivation to do so would have been to help freeing space from the memory, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized.

Regarding claim 2, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto as applied to claim 1 teaches that the controller does not delete a digital image from the memory of the digital camera when the digital image is

incompletely stored in the storage medium (See Matsumoto; col. 5, line 43 – col. 6, line 15). Grounds for rejecting claim 1 apply here.

Regarding claim 3, although the digital image storage system as taught by Berstis in view of Tamura and further in view of Matsumoto does not teach that digital image is incompletely stored in the storage medium of the data storage when the digital camera is removed from the docking station in the course of a transferring operation by which the digital camera transmits the digital image to the storage medium through the docking station, this is an inherent feature since it is expected that when the camera is removed from the docking station while said camera is transmitting image data to the storage medium of the data storage, the image data would be incompletely stored in said storage medium.

Regarding claim 4, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto as applied to claim 1 teaches that the controller does not delete a digital image protected against deletion even if the protected digital image is completely transmitted from the memory of the digital camera and stored in the storage medium (See Tamura translation, page 7, ¶ 0010; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶ 0017; page 11, ¶ 0019 – page 13, ¶ 0024). Grounds for rejecting claim 1 apply here.

Regarding claim 5, Berstis discloses a digital image storage system (Fig. 1) comprising: a digital camera (Fig. 1: 102) having a memory (Fig. 2: 214) capable of storing digital images; a docking station (Fig. 1: 106) on which the digital camera an be placed for use in transmitting one or more of the digital images from the memory of the

digital camera; a data storage (by teaching that the images are transmitted to a server or a computer system, Berstis inherently discloses a data storage having a storage medium for storing the digital images since a storage medium; col. 2, lines 40-46; col. 4, lines 53-63) separate from the docking station and having a storage medium that stores the digital images that have been transmitted from the memory of the digital camera to the data storage while the digital camera and the data storage are in communication with each other through the docking station; and a controller (Fig. 2: 208) that communicates with the digital camera and the data storage while the digital camera and the data storage are in communication with each other through the docking station in order to transfer the digital images from the memory of the digital camera to the data storage (Col. 1, lines 45-50; col. 2, line 15 – col. 3, line 8; col. 4, lines 29-63).

Berstis does not explicitly disclose that the controller causes a digital image in the memory of the digital camera to be deleted from the memory of the digital camera if the digital image has been completely transmitted to the storage medium of the data storage, and the controller does not causes a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium of the data storage.

However, Tamura teaches a camera (Figs. 1 and 3), wherein said camera comprises a controller (Fig. 3: 12) for determining whether the image files will be automatically erased or not after completely transferring said image files, so after transferring the images, said image files in the memory of the camera would be deleted (See translation, pages 7-8, ¶ 0010-0012; page 8, ¶ 0013 – page 9, ¶ 0016; page 10, ¶

0017; page 11, ¶ 0019 – page 13, ¶ 0024). Deleting the digital images in the memory after being completely transferred is advantageous because it would help freeing space from the memory while preventing images to be deleted due to a transmission error, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized.

Therefore, taking the combined teaching of Berstis in view of Tamura as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Berstis by having the controller causing the digital images stored in the memory of the digital camera to be deleted from the memory after being successfully transmitted from the memory and the stored in the storage medium of the data storage. The motivation to do so would have been to improve the functionality of the digital image storage system because it would help freeing space from the memory while preventing images to be deleted due to a transmission error, allowing the camera to capture and store more images in the memory so the memory means is effectively utilized as suggested by Tamura (See translation, page 13, ¶0025).

The combined teaching of Berstis in view of Tamura fails to teach deleting the image after being completely stored in the storage medium and that the controller does not causes a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium of the data storage.

However, Matsumoto teaches a system for transferring image data from a camera (Fig. 1: 9) to a printing system (Fig. 1; 10) wherein said digital camera after

transferring image data from its memory (Fig. 1: 17) to the printer or to a reception equipment (Fig. 5: 60), which stores the image data in a buffer memory (Fig. 5: 62), said printer or reception equipment send an acknowledgement signal that the image data has been received and upon said acknowledgement signal receipt by the camera, said camera deletes the image data being transferred and stored in the printers memory or the reception equipments memory. Matsumoto also teaches that if the image data is not completely transferred and stored in the memory of the printer or reception equipment, the camera does not receive the acknowledgement signal and tries to send the data again (by teaching this, Matsumoto teaches that the controller does not causes a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium) (Col. 3, lines 49-58; col. 4, lines 32-47; col. 5, line 43 – col. 6, line 67).

Although the camera in Matsumoto is transmitting the image data to a printer or a reception equipment, it would have been obvious to one of ordinary skill in the art to apply the concept of deleting the image data from a camera after being transmitted to the memory of an external device to modify Berstis and Tamura by having the camera deleting the image data after being transmitted and stored in the storage medium and to have the controller not causing a digital image to be deleted from the memory of the digital camera if the digital image has been incompletely transmitted to and stored in the storage medium. The motivation to do so would have been to help freeing space from the memory, allowing the camera to capture and store more images in the memory so

the memory means is effectively utilized and to avoid erroneous deletion of the image data because of an erroneous transmission or storage of image data.

Regarding claim 14, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto fails to teach that the controller is housed by the data storage.

However, Official Notice is taken that controllers housed in external apparatuses for controlling different operations (i.e. capturing images, copying image files, deleting image files, controlling capturing conditions, etc.) in a camera are notoriously well known in the art. Having a controller for controlling different operations in a camera is advantageous because it would reduce the size and cost of the digital camera since the processes would be performed in the external apparatus. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis in view of Tamura and further in view of Matsumoto by having the controller housed in the data storage. The motivation to do so would have been to improve the digital image storage system by reducing the size and cost of the digital camera since the processes would be performed in the data storage.

Regarding claim 15, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto teaches that the digital images stored in the memory of the camera are not deleted unless all of the digital images are completely transferred from the memory and stored in the storage medium of the data storage (as shown in fig. 4, Tamura teaches erasing the images whose erasure is required (step S21) after

transferring said images (step S19), therefore, Tamura teaches that if all the images are required to be erased after transfer said images would be erased in step 21; see Translation pages 11-12, ¶ 0021-0022).

Regarding claim 16, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto fails to teach that the digital images stored in the memory of the camera are deleted one-by-one after each respective one of the digital images is completely transferred from the memory and stored in the storage medium of the data storage.

However, Official Notice is taken that deleting images one by one after transmission is notoriously well known in the art. Deleting images one by one is advantageous because it would help freeing the space necessary in the memory of the digital camera in order to capture more images to be stored in said memory without having to delete a large number of images. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis in view of Tamura and further in view of Matsumoto by deleting the images one-by-one after each respective one is completely transferred from the memory and stored in the storage medium of the data storage. The motivation to do so would have been to improve the digital image storage system by freeing the space necessary in the memory of the digital camera in order to capture more images to be stored in said memory without having to delete a large number of images.

Regarding claim 17, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto teaches that the docking station includes a docking station

connector (See Berstis, fig. 1: 110) that is removably connectable to a camera connector of the digital camera to transmit the digital images from the memory of the digital camera to the data storage while the digital camera is placed on the docking station (See Berstis, col. 2, lines 15-39).

Regarding claim 18, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto teaches that the docking station has a shape to fit a bottom of the digital camera (See Berstis fig.1, docking station 106 has a shape to fit a bottom part of the digital camera 102; col. 2, lines 15-39).

Regarding claim 19, limitations can be found in claim 14.

Regarding claim 20, limitations can be found in claim 16.

Regarding claim 21, limitations can be found in claim 18.

Regarding claim 22, claim 22 is analyzed and discussed with respect to claim 1. See grounds of rejection for claim 1.

Regarding claim 23, claim 23 is analyzed and discussed with respect to claim 5. See grounds of rejection for claim 5.

7. Claims 6-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berstis, US Patent 6,721,001 B1 and Tamura, JP 9-37125 in view of Matsumoto, US Patent 6,833,861 B2 and further in view of Niikawa, Us Patent 6,668,134 B1.

Regarding claim 6, the combined teaching of Berstis in view of Tamura and further in view of Matsumoto fails to teach that the controller distinguishes the

incompletely transmitted and stored digital image from the completely transmitted and stored digital image in the storage medium.

However, Niikawa teaches a method (See fig. 13) of transmitting image data from a camera (Fig. 1) to a storage device, wherein errors in transmission of the image files are identified (See steps S20 and S21) and if an image file is identified as having a transmission where the image file is partially transmitted said image file is deleted (See step S22) (Col. 13, line 14 – col. 14, line 22). Identifying the incompletely transmitted and stored image files from the completely transmitted and stored digital image is advantageous because it would help avoiding storing incorrect image data that would fill the data storage.

Therefore, taking the combined teaching of Berstis and Tamura in view of Matsumoto and further in view of Niikawa as a whole, it would have been obvious of one of ordinary skill in the art at the time the invention was made to modify the digital image storage system of Berstis, Tamura and Matsumoto by distinguishing the incompletely transmitted and stored digital image from the completely transmitted and stored digital image in the storage medium. The motivation to do so would have been to efficiently use the memory space of the storage medium by maintaining only correct image data since the incorrect data is identified and deleted.

Regarding claim 7, the combined teaching of Berstis and Tamura in view of Matsumoto and further in view of Niikawa teaches the same as in claim 6. Grounds for rejecting claim 6 apply here.

Regarding claim 8, the combined teaching of Berstis and Tamura in view of Matsumoto and further in view of Niikawa teaches the same as in claim 6. Grounds for rejecting claim 6 apply here.

Conclusion

8. Because new grounds for rejection have been made to unamended claims 1, 5, 22 and 23, this Office Action will be **Non-Final**.

Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nelson D. Hernandez whose telephone number is (571) 272-7311. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nelson D. Hernandez
Examiner
Art Unit 2622

NDHH
January 12, 2007

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